



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Ecology

A.O. #03-02

- ☒ Permanent Rule
☐ Emergency Rule
☐ Expedited Rule Making

(1) Date of adoption: 12/17/03

(2) Purpose: To adopt new Shoreline Master Program (SMP) Guidelines that implement the Shoreline Management Act of 1971. The new SMP guidelines will replace existing Parts 3 and 4 of Chapter 173-26 WAC which were invalidated after administrative review. Among other things, new guidelines establish planning and regulatory definitions and standards for future shoreline development and uses, requirements for protection of shoreline ecological functions and restoration planning, guidance on the limitations of regulatory authority and guidance on shorelines and growth management act integration. Existing section 173-26-360 WAC Ocean Management is relocated unchanged from Part V to Part IV.

(3) Citation of existing rules affected by this order:

Repealed: Chapter 173-26-170,180,190,200,210,220,230,240,250,270,280,290,300,310,320,330,340,350
WAC Amended:
Suspended:

(4) Statutory authority for adoption: RCW 90.58.060 and RCW 90.58.200

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03.13.108 on June 17, 2003 (date).

Describe any changes other than editing from proposed to adopted version: See [Concise Explanatory Statement](#)

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

☐ Yes ☒ No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- ☒ 31 days after filing
☐ Other (specify) _____*

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- ☐ Immediately
☐ Later (specify) _____

Name (Type or Print)

Signature

Gonda Hoffman

Title
Director

Date
12/17/03

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

DEC 17 2003

TIME 3:18 PM

WSR 04-01-117

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>11</u>	Amended	<u>2</u>	Repealed	<u>18</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____